

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 1473 Heather Place, Pottstown, PA 19464

Address of Defendant: 650 Westtown Road, West Chester, PA 19380

Place of Accident, Incident or Transaction: 650 Westtown Road, West Chester, PA 19380  
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes  No

Does this case involve multidistrict litigation possibilities?

Yes  No

*RELATED CASE, IF ANY:*

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes  No

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes  No

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes  No

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes  No

**CIVIL: (Place  in ONE CATEGORY ONLY)**

*A. Federal Question Cases:*

1.  Indemnity Contract, Marine Contract, and All Other Contracts
2.  FELA
3.  Jones Act-Personal Injury
4.  Antitrust
5.  Patent
6.  Labor-Management Relations
7.  Civil Rights
8.  Habeas Corpus
9.  Securities Act(s) Cases
10.  Social Security Review Cases

11.  All other Federal Question Cases

(Please specify) DISCRIMINATION - sex/pregnancy

*B. Diversity Jurisdiction Cases:*

1.  Insurance Contract and Other Contracts
2.  Airplane Personal Injury
3.  Assault, Defamation
4.  Marine Personal Injury
5.  Motor Vehicle Personal Injury
6.  Other Personal Injury (Please specify) \_\_\_\_\_
7.  Products Liability
8.  Products Liability — Asbestos
9.  All other Diversity Cases

(Please specify) \_\_\_\_\_

**ARBITRATION CERTIFICATION**

(Check Appropriate Category)

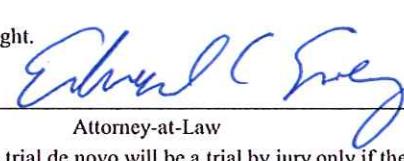
I, Edward C. Sweeney, Esquire, counsel of record do hereby certify:

Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

Relief other than monetary damages is sought.

DATE: 4/28/16

Attorney-at-Law



64565

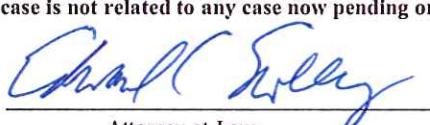
Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 4/28/16

Attorney-at-Law



64565

Attorney I.D.#

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

	: CIVIL ACTION
LINDSAY MORTON 1473 Heather Place Pottstown, PA 19464	
Plaintiff	: NO.
vs.	
A DUIE PYLE INC. 650 Westtown Road West Chester, PA 19830	
Defendant	: JURY TRIAL DEMANDED

**COMPLAINT**

**JURISDICTION AND VENUE**

1. Federal jurisdiction is conferred based on the Pregnancy Discrimination Act which amended Title VII, 42 U.S.C. §2000e, et seq. Plaintiff's Title VII right to sue letter was issued 2/1/16 and was received on 2/3/16 and is attached as Exhibit A. This Complaint was filed within 90 days. Plaintiff cross-filed this matter under the Pennsylvania Human Relations Act ("PHRA"), 43 Pa.C.S. §951, et seq., with the Pennsylvania Human Relations Commission and it has been one year since that cross-filing. This Court has jurisdiction over the state law claims in light of the foregoing basis for federal jurisdiction. More than year has passed since this matter was filed in the PHRA.

2. Venue is proper in the Eastern District of Pennsylvania because the alleged discrimination occurred in Chester County, the Plaintiff lives in Montgomery County, and the Defendant is located in Chester County.

**PARTIES**

2. Plaintiff is Lindsay Morton with address of 1473 Heather Place, Pottstown, PA 19464.

3. Defendant A. Duie Pyle Inc. ("Defendant" or A. Duie Pyle) is a corporation at 650 Westtown Road, West Chester, Pa 198380.

**FACTS**

4. Defendant had more than fifteen employees at the time of Plaintiff's termination.

5. Plaintiff worked at Defendant since September 9, 2013.

6. Plaintiff was fired on February 12, 2014 by Defendant because of her pregnancy (sex).

7. At all relevant times to this Complaint, Plaintiff was of the female sex, was pregnant, and had related medical conditions relating to her pregnancy.

8. Plaintiff's immediate supervisor was Stephanie Cottman.

9. Plaintiff told Ms. Cottman she had a high risk pregnancy in and around early February and she would need to have a number of medical appointments for the high risk appointments.

10. Ms. Cottman told Mr. Gaskill, Ms. Cottman's supervisor, of the high risk pregnancy and the need for medical appointments related to the high risk pregnancy.

11. By amendment through the Pregnancy Discrimination Act, Title VII defines the term "because of sex" as including, but not limited to, "because of or on the basis of pregnancy, childbirth, or related medical conditions." 42 U.S.C. §2000e(k).

12. The second clause of the PDA further provides that "women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work."

13. Several days previous to February 11, 2014, Plaintiff informed Defendant's manager Stephanie Cottman that she need to go to an appointment for a high risk pregnancy on February 11, 2014.

14. On February 10, 2014, Dave Gaskill, one of Defendant's higher level supervisors and Stephanie Cottman's one over, told Plaintiff through Cottman that Plaintiff need to find some other employee to fill her shift or that Plaintiff needed to come back after her appointment, and Plaintiff told her it was moved to the 12<sup>th</sup> because of an unexpected upcoming snow storm

15. Ms. Cottman told Plaintiff in this conversation that it was o.k. if she could not find someone because under the circumstances of the timing and low staffing in the unit it would be hard to find someone to full in for her.

16. Plaintiff tried to find someone to fill her position on February 12th.

17. Ms. Cottman would later approve Plaintiff to go to the appointment when Plaintiff could not find someone to replace Plaintiff.

18. Plaintiff went to the appointment on February 12, 2014.

19. Plaintiff came back to work as requested.

20. Plaintiff was fired when she came back to work on the same day, February 12th.

21. Plaintiff was met as soon as she came back to work by Ms. Cottman who immediately took her to a room with a Human Resource (HR) representative, an HR Specialist, named "Chad."

22. Ms. Cottman stayed for the meeting.

23. Plaintiff was told she was being fired for a “poor attitude” and work performance reasons.

24. Plaintiff challenged the HR Specialist and said “You’re not firing me because of my pregnancy???”

25. The HR Specialist responded, “No,” and he did not elaborate and Plaintiff was escorted out

26. Plaintiff was fired because of her sex and pregnancy, including her medical conditions and appointments, and the possible disruption same may cause in the workplace and with her work performance.

27. Plaintiff was treated differently from other similarly situated employees who were not woman, or pregnant, or had a need for a medical appointments because of their non-pregnancy related condition, who were similar in ability or inability to work, including but not limited in being told to find a replacement worker and being terminated given her high risk pregnancy and/or her medical appointments.

28. Plaintiff alleges that the discriminatory acts of the Defendants, as described above, caused injuries to the Plaintiff, including loss of wages, loss of employment benefits, loss of potential future income and employment benefits, mental anguish, stress, anxiety, humiliation, and loss of life’s pleasures.

29. Defendant’s conduct that harmed the plaintiff was malicious, oppressive or in reckless disregard of the plaintiff’s rights.

30. Defendant’s conduct was perpetrated by supervisory level employees or above, including second line supervisors and human resource officials.

32. Defendant did not have written policies and procedures in place to guard against sexual or pregnancy discrimination.

33. Defendant did not adequately implement its policies and procedures against discrimination, including but not limited through appropriate training.

34. Defendant's conduct is grounds for punitive damages.

35. Plaintiff was earning \$13 an hour.

36. Plaintiff was earning approximately \$27,000 per year

37. Plaintiff was within a month of being awarded benefits and would have received benefits on an ongoing basis but-for Defendant's conduct, said benefits being properly awarded to Plaintiff under the facts of this case.

38. Plaintiff would have continued to work for Defendant but for her termination through her pregnancy.

**COUNT I**

**LINDASY MORTON V. A. DUIE PYLE INC.**

**PREGNANCY DISCRIMINATION ACT/TITLE VII**

**PREGNANCY DISCRIMINATION**

39. Plaintiff incorporates the foregoing allegations as if set forth herein at length.

40. Plaintiff is in a protected class under the Pregnancy Discrimination Act and Title VII.

41. Defendant discriminated against and terminated Plaintiff because of her sex, because she was pregnant, and because of her related medical conditions.

42. Plaintiff was treated differently from similar situated persons who were not women, not pregnant, and did not have pregnancy related conditions.

43. Plaintiff has sustained damages, including but not limited to loss of earnings, loss of benefits, and compensatory damages (pain and suffering).

44. Defendant is liable for punitive damages.

45. Plaintiff's losses were proximally caused by Defendant's discrimination.

WHEREFORE, Plaintiff demands the following relief: (1) wages, employment benefits or other compensation denied or lost by such violation, including back pay and front wages; (2) equitable relief such as rehiring; (3) a reasonable attorney's fee under relevant statutory law if the prevailing party; (4) the employee's expert witness fee, if any; (5) rehire to Defendant to his former position (with all back and future benefits he would have been entitled to); (6) damages for pain, suffering, humiliation, and emotional distress; (7) punitive damages; (8) interest; (9) an additional amount for the tax consequences for an award in Plaintiff's favor under the Third Circuit's ruling in Eshelman v. Agere Systems, Inc., 554 F.3d 426 (3d Cir. 2009); and (10) other costs of the action.

**COUNT II**

**LINDASY MORTON V. A. DUIE PYLE INC.**

**PREGNANCY DISCRIMINATION ACT/TITLE VII**

**RETALIATION**

47. Plaintiff incorporates the foregoing allegations as if set forth herein at length.

48. Plaintiff is in a protected class under the Pregnancy Discrimination Act and Title VII (sex/pregnant).

49. Plaintiff was retaliated against for having been pregnant or because of having a high risk pregnancy and/or the necessity of having medical appointments for the high risk pregnancy, having reported same to the Defendant.

50. Plaintiff has sustained damages, including but not limited to loss of earnings, loss of benefits, and compensatory damages (pain and suffering).

51. Punitive damages are appropriate under the facts of this case.

52. Plaintiff's losses were proximally caused by Defendant Patwell's discrimination.

WHEREFORE, Plaintiff demands the following relief: (1) wages, employment benefits or other compensation denied or lost by such violation, including back pay and front wages; (2) equitable relief such as rehiring; (3) a reasonable attorney's fee under relevant statutory law if the prevailing party; (4) the employee's expert witness fee, if any; (5) rehire to Defendant to his former position (with all back and future benefits he would have been entitled to); (6) damages for pain, suffering, humiliation, and emotional distress; (7) punitive damages; (8) interest; (9) an additional amount for the tax consequences for an award in Plaintiff's favor under the Third Circuit's ruling in Eshelman v. Agere Systems, Inc., 554 F.3d 426 (3d Cir. 2009); and (10) other costs of the action.

### **COUNT III**

#### **LINDASY MORTON V. A. DUIE PYLE INC.**

#### **VIOLATION OF THE PENNSYLVANIA HUMAN RELATIONS ACT**

#### **PREGNANCY DISCRIMINATION**

53. Plaintiff incorporates the foregoing allegations as if set forth herein at length.

54. Plaintiff Susan Santiago is in a protected class under the Pennsylvania Human Relations Act (sex/pregnant).

55. Defendant discriminated and terminated Plaintiff because of her pregnancy.

56. Plaintiff was treated differently from similar situated persons who were not women, not pregnant, and did not have pregnancy related conditions.

57. Plaintiff has sustained damages, including but not limited to loss of earnings, loss of benefits, and compensatory damages (pain and suffering).

58. Plaintiff's losses were proximally caused by Defendant's discrimination.

WHEREFORE, Plaintiff demands the following relief: (1) wages, employment benefits or other compensation denied or lost by such violation, including back pay and front wages; (2) equitable relief such as rehiring; (3) a reasonable attorney's fee under relevant statutory law if the prevailing party; (4) the employee's expert witness fee, if any; (5) rehire to Defendant to his former position (with all back and future benefits he would have been entitled to); (6) damages for pain, suffering, humiliation, and emotional distress; (7) interest; (8) an additional amount for the tax consequences for an award in Plaintiff's favor under the Third Circuit's ruling in Eshelman v. Agere Systems, Inc., 554 F.3d 426 (3d Cir. 2009); and (9) other costs of the action.

**COUNT IV**

**LINDASY MORTON V. A. DUIE PYLE INC.**

**VIOLATION OF THE PENNSYLVANIA HUMAN RELATIONS ACT**

**RETALIATION**

59. Plaintiff incorporates the foregoing allegations as if set forth herein at length.

60. Plaintiff is in a protected class under the Pennsylvania Human Relations Act (sex/pregnant).

61. Plaintiff was retaliated against for having been pregnant or because of having a high risk pregnancy and/or the necessity of having medical appointments for the high risk pregnancy, having reported same to the Defendant.

62. Plaintiff has sustained damages, including but not limited to loss of earnings, loss of benefits, and compensatory damages (pain and suffering).

63. Plaintiff's losses were proximally caused by Defendant's discrimination.

WHEREFORE, Plaintiff demands the following relief: (1) wages, employment benefits or other compensation denied or lost by such violation, including back pay and front wages; (2) equitable relief such as rehiring; (3) a reasonable attorney's fee under relevant law if the prevailing party; (4) the employee's expert witness fee, if any; (5) rehire to Defendant to his former position (with all back and future benefits he would have been entitled to); (6) damages for pain, suffering, humiliation, and emotional distress; (7) interest; (8) an additional amount for the tax consequences for an award in Plaintiff's favor under the Third Circuit's ruling in Eshelman v. Agere Systems, Inc., 554 F.3d 426 (3d Cir. 2009); and (9) other costs of the action.

Respectfully submitted,

WUSINICH & BROGAN

Date: April 28, 2016

BY: Edward C. Sweeney /s/  
Edward C. Sweeney, Esquire  
537 West Uwchlan Avenue, Suite 200  
Downington, PA 19335  
(610) 594-1600

Attorney for Plaintiff, Lindsay Morton

# EXHIBIT A

## U.S. EQUAL OPPORTUNITY COMMISSION

FEB 03 2016

## DISMISSAL AND NOTICE OF RIGHTS

To: **Lindsay Morton**  
**442 Upland Street Apt. D6**  
**Pottstown, PA 19464**

From: **Philadelphia District Office**  
**801 Market Street**  
**Suite 1300**  
**Philadelphia, PA 19107**



*On behalf of person(s) aggrieved whose identity is  
 CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.

EEOC Representative

Telephone No.

530-2014-02917

**Legal Unit,  
 Legal Technician**

(215) 440-2828

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



**X** The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission  
 Spencer H. Lewis, Jr.,  
 District Director

Enclosures(s)

(Date Mailed)

cc:

Christopher J. Moran, Sr.  
 PEPPER HAMILTON LLP  
 3000 Two Logan Square  
 Eighteenth and Arch Streets  
 Philadelphia, PA 19103

Edward C. Sweeney  
 WUSINICH & BROGAN  
 537 West Uwchlan Avenue  
 Suite 200  
 Downingtown, PA 19335

2/1/16

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

	: CIVIL ACTION
LINDSAY MORTON	:
1473 Heather Place	:
Pottstown, PA 19464	:
	:
Plaintiff	: NO.
	:
vs.	:
	:
A DUIE PYLE INC.	:
650 Westtown Road	:
West Chester, PA 19830	:
	:
Defendant	: JURY TRIAL DEMANDED

**JURY DEMAND OF PLAINTIFF LINDSAY MORTON**

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff Lindsay Morton hereby demands a trial by jury in the above-captioned action of all issues triable by jury.

Dated: April 28, 2016

Edward C. Sweeney /s/  
Edward C. Sweeney  
Wusinich & Brogan P.C.  
537 West Uwchlan Avenue, Suite 200  
Downington, PA 19335  
(610) 594-1600

Attorney for Plaintiff Lindsay Morton